

**REGULAR CITY COUNCIL MEETING
FRISCO MUNICIPAL COMPLEX
8750 MCKINNEY ROAD
COUNCIL CHAMBERS
FRISCO, TEXAS 75034
5:30 P.M.**

April 15, 2003

MINUTES

1. Call to Order

Mayor Simpson called the Meeting to order at 5:36 p.m. and announced a quorum was present.

Council present: Mayor Simpson, Mayor Pro-Tem Reveal, Deputy Mayor Pro-Tem Maso, Council member Allen, Council member Lafata, Council member West and Council member Nichols.

Staff present: City Manager George Purefoy, Deputy City Manager Henry Hill, Assistant City Manager Jason Gray, Assistant City Manager Scott Young, Director of Planning John Lettelleir, City Attorney Frank Jaromin, Attorney for the City Richard Abernathy, Senior Admin. Asst. to the City Secretary, Deanna Quigley.

2. Recess into Closed Session in compliance with Section 551.001 et. seq. Texas Government Code

Council member West moved to recess into Closed Session at 5:36 p.m. Council member Lafata seconded the motion, motion carried. Vote: 6-0.

Mayor Simpson announced the City Council was in Closed Session at 5:36 p.m. in compliance with Section 551.001 et.seq. Texas Government Code, to wit:

- 1) Section 551.087. Deliberation regarding commercial or financial information that the City has received from a business prospect and to deliberate the offer or other incentives to a business prospect.
- 2) Section 551.072. To deliberate the purchase, exchange, lease or value of real property located:
 - (i) south of Eldorado Parkway, north of Stonebrook Parkway, east of Teel Parkway, and west of SH 289.
 - (ii) south of FM 3537, north of Rolater Road, east of Preston Road, and west Hillcrest Road.

3) Section 551.071. Consultation between the City Attorney and City Council:

- i) Regarding pending or contemplated litigation or a settlement offer where the duty of the City Attorney to City Council pursuant to the Code of Professional Responsibilities of the State Bar of Texas clearly conflicts with the Open Meetings Act regarding negotiations with neighboring cities.
- ii) Where the duty of the City Attorney to City Council pursuant to the Code of Professional Responsibilities of the State Bar of Texas clearly conflicts with the Open Meetings Act regarding regulation of school districts.

4) Section 551.074. Evaluation of City Manager.

3. Proclamations.

Mayor Simpson presented Proclamations to:

- 1) The Moving Wall (In memory of Vietnam Veterans)
- 2) Equal Pay Day for Women
- 3) National Telecommunicator's Week (Dispatchers)

4. Reconvene into Regular Session and take any action necessary as a result of the Closed Session.

Council member Lafata moved to reconvene into Regular Session at 6:30 p.m. Council member Allen seconded the motion, motion carried. Vote: 6-0. There was no action taken as a result of the Closed Session.

5. Invocation.

Dr. Taylor Gardner of Stonebriar Community Church offered the prayer.

6. Pledge of Allegiance.

Council member Maso led the Pledge of Allegiance.

7. Citizen Input.

The Council opened the Meeting for Citizen Input at 7:30 p.m.

Citizen Nancy Siebert was present to address the council on developing some type of code requirements of multi family homes so as to ensure the rights of tenants regarding quality of life issues that are ignored by landlords. One suggestion she recommended for the City's review is a Tenant's Council. This type of council could create a rating system based on tenant evaluation of landlord's cooperation and on City evaluations of

code compliances to help with safety concerns. Ms. Siebert suggested that these ratings could be posted on a web site, just as the City has provided for eating establishments. Another solution could be a Multi-Family Tenant Rights Pamphlet to inform tenants of their rights.

8. Reports.

a) Report on Star Center Ice Time (Parks and Recreation)

Staff Comments: Parks & Recreation Director, Rick Wieland gave an overview of the Dallas Stars Ice Hockey Agreement. After reviewing the agreement, Mr. Wieland stated that there are numerous opportunities available for use of the center by Frisco residents and FISD. The total number of hours available are 304 hours, with 200 of those hours to be shared between the City of Frisco and FISD. An additional 104 hours are to be used for the school's ice hockey team. The City and FISD would like to see the facility be used for other community purposes (graduations, FISD staff training, etc.) Mr. Wieland stated that the Stars want to work with the community in every way, as does FISD and the City of Frisco.

Mayor Pro-Tem Reveal questioned if the city will be having a meeting with the Stars to discuss providing additional ice hockey time, and/or if there has been a meeting with the citizens who are requesting additional time for the FISD ice hockey team. She reminded everyone that if the hockey team wants to use the center, they need to give the Stars 60 days notice prior to scheduling practices. If school begins August 18th, they need to respond by June 18th to make their arrangements.

Council member Lafata expressed concerns regarding the low number of hours (5-6 per week) for youth and families. He would like to see more overall hours for FISD and the City of Frisco.

City Manager George Purefoy stated that the stars are willing to give time in "off-peak" hours. There may be a possibility for the 104 hours to go to 156 hours. Mr. Purefoy stated that there would be a meeting soon to further discuss this issue. Mayor Mike Simpson asked if we could still negotiate additional time from the Stars. Mr. Purefoy stated that there are still issues to be resolved, and time may be expanded.

The following individuals spoke in support of additional ice hockey team hours:

John Allen, Spoke on behalf of the Ice Hockey Association

Julie Bullis: President of the Frisco Ice Hockey Association

Sandy Carlisle: High School Teacher and Parent of an Ice Hockey Player

Diane Ruggles: Parent of an Ice Hockey Player

b) Presentation from Heritage Association on Trip to Frederick, OK

Comments: Frisco Citizen & Heritage Foundation President, Dr. Erwin Pink was present to address the council regarding the development of a Frisco Depot. He reminded everyone that several years back that the City allocated one half million dollars to rebuild the Frisco Depot. This past year, the Citizens of Frisco voted 3.5 million dollars for the development of a Museum and a Heritage Park. Mr. Pink and Architect Art Phelps toured Pioneer Town Site in Frederick, Oklahoma, a town similar in size to Frisco. This particular site had the same vision for a Heritage Center that the City of Frisco would like to develop. A field trip of 56 individuals took place on April 5 to tour those facilities. Picture slides were then shown to the Council for review.

Dr. Pink also thanked Mayor Pro-Tem Reveal and Council member Nichols for their support throughout the past years.

c) Staff update on the construction waste-recycling portion of the City's Residential Green Building Program (Planning)

Staff Comments: Planning & Zoning Director John Lettelleir stated that he would email a response on this issue.

d) Public Works Recognition from Texas Commission on Environmental Quality

Mayor Simpson, on behalf of the City Council, recognized the City of Frisco and the Public Works Department for an award the City received from the Texas Commission on Environmental Quality for 5 consecutive years of "No violations" regarding our drinking water. Public Works Director, Gary Hartwell, was present to accept the award.

e) Public Works Monthly Report

No comments.

f) Financial Monthly Report (Administrative Services)

No comments.

g) Project Status Tracking Reports

No comments.

Discussion only, no formal action was taken.

9. Consent Agenda

The Consent Agenda was considered for approval. Council member Allen moved to remove Item L for separate discussion. Mayor Pro-Tem Reveal seconded the motion, motion carried. Vote: 6-0.

There being no other items to be removed for separate discussion, Mayor Pro-Tem Reveal moved to approve the Consent Agenda, excluding Items L. Council member West seconded the motion, motion carried. Vote: 6-0.

- A) Approval of the minutes of the April 1, 2003 Regular City Council Meeting. (City Secretary)
- B) Adoption of **Resolution No. 03-04-90R** therein authorizing the City Manager to execute a Final Release and Indemnity Agreement and Note between the City of Frisco, Adrienne Epstein, and Robert Steinberg. (Planning)
- C) Adoption of **Resolution No. 03-04-81R** authorizing the City Manager to enter into an Agreement for Engineering Services with Kimley Horn & Associates for the design of Legacy Drive between Stonebriar Drive and Warren Parkway. (Engineering)
- D) Approval of contract for Professional Services in the amount of \$15,000.00 with Pyrotech for the fireworks display to be launched during the City's '4th of July Festival' and the adoption of **Resolution No. 03-04-82R** therein authorizing the City Manager to execute the Agreement. (Communications)
- E) Approval of Tax Refunds over \$500. (Tax Department)
- F) Approval of purchase of one (1) Chevy Tahoe and one (1) Ford F250 pickup, through an ILA with Tarrant County, for use by the Frisco Fire Department. (Purchasing)
- G) Approval of purchase of eight (8) traffic signal control cabinets, through an ILA with the City of Arlington, for use on various road construction projects. (Purchasing)
- H) Award of Bid #0301-052, Annual Contract for Water and Wastewater Pumping Facilities Maintenance, to Dal-ec Construction, Ltd. (Purchasing)
- I) Approval of purchase of one (1) additional pickup through Bid #0211-048 for "Pickups and Cab and Chassis" for Engineering Department. (Purchasing)
- J) Adoption of **Resolution No. 03-04-83R** therein authorizing the City Manager to execute an Agreement by and between the City of Frisco and Lee Engineering, LLC for Traffic Signal Design Services for the intersections of Legacy Drive at Stonebriar Drive and Legacy Drive at Warren Parkway. (Engineering)

- K) Adoption of **Ordinance No. 03-04-25** amending Ordinance Nos. 00-09-16 and 02-09-98 for Engineering Design Standards and Construction Details, Section 3 and Section 4. (Engineering)
- L) Adoption of **Resolution No. 03-04-84R** therein authorizing the City Manager to execute an Interlocal Agreement by and between the City of Frisco and Cities of Allen and Plano concerning Services and Funding for a Collin County Cultural Arts District in the amount of \$70,000.00 (Administrative Services)
- M) Adoption of **Resolution No. 03-04-85R** therein authorizing the City Manager to execute a Contract for Investment Advisory Services. (Administrative Services)
- N) Adoption of **Resolution No. 03-04-86R** therein authorizing the City Manager to enter into an Agreement for Engineering Services with Spiars Engineering for the design of Warren Parkway between Legacy Drive and Dallas Parkway. (Engineering)

Item Pulled – Discussion on 9L:

Council member Allen had questions regarding 9L, Collin County Cultural Arts District. In the Interlocal Agreement, it stated a “Three City Solution”, and Mr. Allen felt that the City Council hadn’t agreed to that. The City of McKinney appears to be very active, but yet doesn’t appear in the financial portion of the documents. Steve Mathews, Chairman of the Steering Committee, was present to update the council on the progress of the Arts District. He stated that this project is a Four City Project, with three of the four cities having passed their bond dollars, for a total of 57 million dollars being committed for the project. Each committee is represented by all four cities. The committee felt it was inappropriate for the City of McKinney to contribute dollars toward any studies until their bond was passed. If their bond does pass, then the City of McKinney will be expected to reimburse those costs equally. Site assessment committees (made up city engineers, planners, landscape architects, etc.) will do numerous studies and planning for developmental and constructual site analysis to show which property would be the best possible site. Council member Allen also questioned (under the Public Relations portion), why it showed a budget amount of zero. His concern was that The City of Frisco is paying for and doing the work for something that the City is not getting credit for. Mr. Mathews explained that they have no way of quantifying what kind of costs might be associated with this project at this time. Dana Baird, City of Frisco’s Communications and Media Relations Director, has been asked to provide assistance as a public information chairman to coordinate inquiries. Council Member Allen also asked for clarification on who is representing the committee. Council member Maso stated that he is still the representative of the Steering Committee to approve expenses, etc., while Council member Lafata will serve on the committee to create a local government cooperation that governs this district for the long term and will be implemented through an Interlocal Agreement with all parties.

Deputy Mayor Pro Tem Reveal had questions regarding the legal fees. The four cities each have lawyers, yet we still have budgeted for additional legal fees in the Local Government Cooperation Agreement. Mr. Mathews stated that the attorneys of the four cities need to be apart of reviewing all documents in the best interest of each of the cities. Deputy Mayor Pro Tem Reveal felt like that we were “double-dipping” regarding attorney fees. She also questioned the process in which we selected the representative for that committee. Mayor Simpson stated that he was the one who appointed Council Member Lafata to represent the Council. He stated that, as a Council, they had agreed to divvy up the workload.

Deputy Mayor Pro Tem Reveal also felt the City of McKinney should have a voice at the table, but not necessarily a vote on how to spend the money. Mr. Mathews felt that we needed to move forward, even if the City of McKinney hadn’t passed their bond. He also stated that it is the Steering Committees that make the decisions on this Interlocal Agreement (which only include the three cities that have passed their bonds).

Council member Allen moved to approve item 9L. Mayor Pro-Tem Reveal seconded the motion. Motion carried. Vote 6-0.

END OF CONSENT AGENDA

10. Legislative Agenda

- A) Adoption of **Ordinance No. 03-04-26** rezoning 184.9+ acres at the southeast corner of Panther Creek Parkway and Teel Parkway from Agricultural to Planned Development-Single Family-1 (17.0+ acres)/Single Family-2 (9.1+ acres)/Single Family-3 (19.5+ acres)/Single Family-4 (47.0+ acres)/Single Family-5 (31.7+ acres)/Patio Home (50.0+ acres)/Townhome (10.6+ acres). Neighborhood #48. Applicant(s): S.W. and Mary Christie, Boyd Living Trust, and Paramount Land Development, Inc. Zoning Case Z2002-0032 (Planning & Development Department)

Planning & Zoning Director, John Lettelleir, was present to address the council.

RECOMMENDATION NOTES:

The Planning & Zoning Commission recommended approval with the following development standards:

Exhibit C Planned Development Standards

Tract 1: Patio Home (PH) 22.9 acres

This tract shall be developed under the regulations for Patio Home as outlined in the Comprehensive Zoning Ordinance No. 00-11-01 as it currently exists or may be amended.

Tract 2: Townhome (TH) 10.6 acres

This tract shall be developed under the regulations for Townhome as outlined in the Comprehensive Zoning Ordinance No. 00-11-01 as it currently exists or may be amended. In the event that the Tract does not develop as Townhome, it may develop as Patio Home under the Patio Home regulations as outlined in the Comprehensive Zoning Ordinance No. 00-11-01 as it exists or may be amended.

Tract 3: Single Family-5 (SF-5) 31.68 acres

This tract shall be developed under the regulations for the Single Family-5 (SF-5) district as outlined in the Comprehensive Zoning Ordinance No. 00-11-01 as it currently exists or may be amended.

Tract 4: Single Family-4 (SF-4) 6.67 acres

This tract shall be developed under the regulations for the Single Family-4 (SF-4) district as outlined in the Comprehensive Zoning Ordinance No. 00-11-01 as it currently exists or may be amended.

Tract 5: Single Family-3 (SF-3) 19.48 acres

This tract shall be developed under the regulations for the Single Family-3 (SF-3) district as outlined in the Comprehensive Zoning Ordinance No. 00-11-01 as it currently exists or may be amended, subject to the following additional conditions:

1. Minimum Front Yard – 25-feet

Tract 6: Single Family-1 (SF-1) 17.04 acres

This tract shall be developed under the regulations for the Single Family-1 (SF-1) district as outlined in the Comprehensive Zoning Ordinance No. 00-11-01 as it currently exists or may be amended, subject to the following additional conditions:

1. Minimum Front Yard: 30-feet
2. Minimum Side Yard: 10-feet; 15-feet on corner lots adjacent to side street
3. Minimum Lot Width: 80-feet

Tract 7: Single Family-2 (SF-2) 9.1 acres

This tract shall be developed under the regulations for the Single Family-2 (SF-2) district as outlined in the Comprehensive Zoning Ordinance No. 00-11-01 as it currently exists or may be amended, subject to the following additional conditions:

1. Minimum Front Yard: 25-feet.
2. Minimum Side Yard: 10-feet; 15-feet on corner lots adjacent to side street
3. Minimum Lot Width: 80-feet

Tract 8: Single Family-4 (SF-4) 40.36 acres

This tract shall be developed under the regulations for the Single Family-4 (SF-4) district as outlined in the Comprehensive Zoning Ordinance No. 00-11-01 as it currently exists or may be amended.

Tract 9: Patio Home (PH) 27.1 acres

This tract shall be developed under the regulations for Patio Home as outlined in the Comprehensive Zoning Ordinance No. 00-11-01 as it currently exists or may be amended.

General Landscaping Requirements

The portion of Tract 1 that is adjacent to the west right-of-way of Teel Parkway and the portion of Tract 3 that is adjacent to the south right-of-way of Panther Creek Parkway will require construction of a screening wall constructed of brick, stone, or other masonry material and/or decorative metal fencing. In addition, a landscape buffer of 25-feet in width shall be required adjacent to the right-of-way in those areas.

The portion of Tract 2 that is adjacent to the Teel Parkway and Panther Creek Parkway intersection will require construction of a decorative metal fence, three-feet in height, along the rights-of-way of said roads.

The frontage of all other Tracts adjacent to Teel Parkway and/or Panther Creek will not require construction of a screening wall of any type. Screening will be provided by construction of earthen berms and placement of landscape within the open areas adjacent to the right of way. The residential lots adjacent to those open areas may provide a wood privacy fence along the rear property lines of said lots. Wooden fences will require landscaping along the property line. Landscape screening may include shrubs planted at four-feet in height that will grow to form a six-foot tall solid living screen within two years.

All other open space areas within the project will be landscaped with one-tree per 30-feet of street frontage adjacent to the open space.

The zoning exhibit (Exhibit "D") must be adopted as part of the Planned Development ordinance to represent the general layout of the development and the open space.

Following discussion, Council member Allen moved to approve Item 10. Council member Lafata seconded the motion. Motion carried. Vote: 6-0.

Regular Agenda

11. Public Hearing: Consider and act upon compensation for the Mayor and Members of the City Council. (City Council/TR)

Comments: Mayor Pro-Tem Reveal addressed the Council regarding her research on the Mayor and Council compensation. She stated that the Charter calls for the Council to get reimbursed for expenses. She discussed alternatives to this issue:

- 1) Stipend for meetings
- 2) Council expense reports

Deputy Mayor Pro-Tem Maso opened the public hearing. Council member Lafata seconded the motion. Motion carried. Vote: 6-0.

Citizen Alan Key spoke in favor of money for council members. He suggested that The City of Frisco should follow the charter requirements for the direction to take, along with legal advice. He stated that a financial policy to support this, with guidelines and a budget, should be developed. He also felt there should be variable expenses (money beyond the expenses as a per month fee, with expenses direct billed). He felt that The City should not have a "per meeting fee", but that The city should provide equipment & training.

Mayor Pro-Tem Reveal closed the public hearing. Council member West seconded the motion, motion carried. Vote: 6-0.

The following were the comments of the council regarding this issue:

Council member Nichols: He would like to see an allowance for council members who live in an apartment, as they do not received the benefits of a water bill compensation. He felt the best answer was a monthly allowance (a few hundred dollars per month or around \$4000 annually), with extra expenses outside of that for conferences, etc.

Mayor Simpson: He addressed the allowances that other cities paid:

McKinney: Council receives a maximum of \$2500 per year.

The Mayor receives a maximum of \$3700 per year

Plano: Council receives \$500 per month

The Mayor receives \$750 per month

Insurance Stipend: \$1000 applied to insurance

Mayor Simpson also commented that Mayor Pro-Tem Reveal did a great job compiling information.

Council member Lafata: He felt a flat rate was the best way to go. He felt like \$400-500 per month was a good amount to cover "hard costs". He also commented on the fine work of Mayor Pro-Tem Reveal.

Council member West: She felt the best solution was a per month fee.

Deputy Mayor Pro-Tem Maso: He addressed concerns about fair representation on council, due to the numerous expenses that a City Council Member incurs. Some citizens may not be able to afford to run for council and he didn't want that to deter anyone. He felt that the standard monthly fee was the best solution, with the consideration of conferences, etc.

Council member Allen: He suggested \$100-150 per month, along with an expense reimbursement policy. The Council would approve the amounts of the expenses. He felt that \$400-500 per month was too much at this point.

Mayor Simpson: He felt that a fair monthly compensation was around \$300 per month. He felt that The City needs to come up with a flat amount and then determine that amount. He felt that \$500 was too much.

Mayor Pro-Tem Reveal questioned Attorney Richard Abernathy, with concerns regarding the Charter. If this current council would vote tonight, when would it apply? Mr. Abernathy stated that the election is what triggers when it takes effect. Expenses need to be approved. An ordinance needs to be created if money is to be paid other than expenses. An ordinance can be passed now, but with a different effective date or using the new budget year date. Mr. Abernathy stated that he would ask the authors of the Charter for their clarification.

Following discussion, Mayor Pro-Tem Reveal moved to make a motion that:

The City Council members receive a monthly stipend of \$300 and the Mayor receive \$450 per month. The money would be budgeted in the next fiscal year 2003-2004. The City Council also budgets funds for conferences, regional meetings, etc. These expenses can be direct billed to the City whenever possible, so that Council Members are not having to front the money to attend. Additional expenses may be submitted and would be approved by the City Council for reimbursement or denial. This motion is subject to Mr. Abernathy checking into the opinions from the authors of The Charter for clarification. Seconded by Council member Lafata. Vote 5-1. Council member Allen opposed. Mr. Allen's vote was for a smaller dollar amount.

12. Public Hearing: UA2003-03 Request to abandon a 1.271 acre drainage and detention easement being a part of the Villages of Stonebriar Park, Phase 2, City of Frisco, Collin County, Texas and adoption of Ordinance 03-04-27 approving the same. (Engineering)

City Engineer, Frank Jaromin, was present to address the council regarding the abandonment of the drainage and detention easement.

Council member Allen opened the public hearing. Council member Lafata seconded the motion. Motion carried. Vote: 6-0.

There being no one else to address the Council, Council member Allen moved to close the public hearing. Deputy Mayor Pro Tem Reveal seconded the motion. Motion carried. Vote: 6-0.

Following discussion, Council Member Allen moved to adopt **Ordinance 03-04-27**. Council Member Lafata seconded the Motion. Motion carried. Vote: 6-0.

13. Public Hearing: UA2003-01 Request to abandon a 0.002 acre water easement being a part of the Villages of Stonebriar Park, Phase 2, City of Frisco, Collin County, Texas and adoption of Ordinance 03-04-28 approving the same. (Engineering)

City Engineer, Frank Jaromin, was present to address the Council regarding the abandonment of the water easement.

Council Member Lafata moved to open the public hearing. Council Member Allen seconded the Motion. Motion carried. Vote: 6-0.

There being no one else to address the Council, Council Member West closed the public hearing. Council Member Allen seconded the motion. Motion carried. Vote: 6-0.

Following discussion, Council Member Allen moved to adopt **Ordinance 03-04-28**. Deputy Mayor Pro Tem Reveal seconded the Motion. Motion carried. Vote: 6-0.

14. Continuation of Public Hearing: Zoning Case Z2002-0029. A request to amend Planned Development-128 to allow the additional use of Town homes and to modify development standards to reduce the amount of open space, reduce building setbacks, and increase lot coverage required of a townhome development on 38.7+ acres on the west side of the Dallas North Tollway, 420± feet south of Stonebrook Parkway. Zoned Planned Development-128-Multifamily-2/Commercial-1. Neighborhood #22. Applicant(s): Texas Univest – Frisco, Ltd. Consider and act to instruct staff to prepare an Ordinance on the above request. Tabled 2/4/03, 2/20/03 and 3/18/03. (Planning & Development)

Planning & Zoning Director John Lettelleir was present to address the council on this issue. He asked that the Council table this item until the June 17th meeting, so that the buyer/seller can work with the homeowners on a final agreement.

RECOMMENDATION NOTES:

The Planning & Zoning Commission recommended approval subject to:

1. Tract 2 may be developed under the Townhome District (TH), as outlined in Ordinance No. 00-11-01, as it currently exists or may be amended.

Council Member Lafata moved to open the public hearing. Council Member Allen seconded the Motion. Motion carried. Vote: 6-0.

There being no one else present to address the Council, Council Member West moved to table and continue the public hearing until the June 17th meeting. Council Member Allen seconded the Motion. Motion carried. Vote: 6-0.

15. Public Hearing: Zoning Case ZA2002-0028. A request to amend the Comprehensive Zoning Ordinance to establish standards for Alternative Subdivision Design for properties zoned Single Family-4, Single Family-5 and other properties where Single Family-4 and Single Family-5 are permitted and not in conflict with the proposed standards and consider and act to instruct staff to prepare an Ordinance of the same. Applicant(s): City of Frisco (Planning & Development Department)

Planning & Zoning Director John Lettelleir was present to address the council. He stated that this item was tabled at the March 4th meeting so that they could meet with the homeowners. Concerns from that meeting were: allowance of duplexes, application to planned developments (if it's a concept plan) and the 50-foot buffer (smaller lot size). Due to time constraints, he is asking that the council table this item until June 17th, so that new city council members could see this item through.

RECOMMENDATION NOTES:

The Planning & Zoning Commission recommended approval as follows. The Planning & Zoning Commission's changes are indicated with ~~strikethroughs~~ to show deletions and underlines to show additions. In addition, the Planning & Zoning Commission requested that staff engage in additional discussions with the Fire Department and Building Inspections regarding setbacks for one- and two-story dwelling units.

Article IV SITE DEVELOPMENT REQUIREMENTS

**SECTION 11
ALTERNATIVE SUBDIVISION DESIGN PROCEDURE**

11.01 General Purpose and Description

This section contains the regulations for alternative subdivision design procedure. These regulations are supplemented and qualified by additional general regulations appearing elsewhere in this Ordinance, which are incorporated as part of this section by reference.

The intent of this section is to provide a procedure for a voluntary alternative development pattern in the SF-4 and SF-5 Residential Zoning Districts, as well as other applicable districts as defined in this ordinance, in order to permit flexibility in building types and subdivision design, and encourage the provision of supporting the Frisco Millennium Plan (Comprehensive Plan) in the development of diverse residential developments under conditions of approved Preliminary and Final Plats.

11.02 Applicable Zoning Districts

The applicable zoning districts in which the alternative subdivision design procedure may be used and the alternative development standards that may be permitted through the use of the procedure shall be as follows:

1. The Alternative Subdivision Design Procedure may be utilized for the following:
 - a. Properties zoned SF-4 and SF-5.
 - b. Properties contained in Planned Developments where SF-4 and SF-5 are permitted and the development standards are not in conflict with the standards contained herein. The Alternative Subdivision Design Procedure only applies to portions of Planned Developments that contain SF-4 and SF-5 zoning.
 - c. Properties zoned MF-1 and MF-2 (minimum SF-5 density).
 - d. Properties in a Planned Development where MF-1 or MF-2 are permitted and the development standards are not in conflict with the standards contained herein. The Alternative Subdivision Design Procedure only applies to portions of Planned Developments that contain MF-1 and MF-2 zoning (minimum SF-5 density).
2. This procedure may be used to modify the sizes of some or all of the lots, as described below.

Lots located adjacent to property with an approved, valid preliminary plat must meet minimum lot size standards in accordance with the Required Minimum Lot Area of District column in the table below unless the boundary they are adjacent to:

- a. Adjoins a more dense residence district;
- b. A minimum 50-foot wide green space buffer is provided between the proposed alternative subdivision design and the adjacent property. Adjacent lots within the Alternative Subdivision Design development must front or side the green space buffer; or
- c. Is separated by a roadway with 90-feet of right-of-way or greater.

All eligible lots may be modified in size in accordance with the table below.

Zoning District	Required Minimum Lot Area of District	Permitted Minimum Lot Area of eligible lots of Alternative Subdivision Design Procedure for single-family developments
<u>SF-4</u>	8,500 square feet	2,500 square feet for Townhome lots, 3,500 <u>4,500</u> sf for single-family, and <u>5,000</u> square feet for duplex lots (2,500 square feet per dwelling unit)
<u>SF-5</u>	7,000 square feet	2,500 square feet for Townhome lots, 3,500 <u>4,000</u> sf for single-family and <u>5,000</u> square feet for duplex lots (2,500 square feet per dwelling unit)

Note: Properties zoned Multifamily-1 or Multifamily-2 would develop utilizing the Single Family-5 standards listed above.

11.03 Procedures and standards

1. *Application.* An application for the Alternative Subdivision Design Procedure shall be submitted at the time of Preliminary Plat application. The alternative

subdivision design will be reviewed under the provisions outlined in Section 5.01, Preliminary Plat, of the Subdivision Ordinance, as it exists or as amended as well as provisions outlined in this section.

2. *Density Calculations.* The Alternative Subdivision Design Development shall not contain more units than would be permitted under the regulations of the residence district or districts within which the development lies unless performance requirements are met for density bonuses (see density bonuses Section 11.04). The net area is determined by the gross area of the development minus the following:

- a. Land within the 100-year floodplain elevation (excluding reclamation);
- b. Areas located within the Waters of the U.S., as defined by the U.S. Army Corps of Engineers;
- c. Land that is utilized for right-of-way of minor, major and highway/Tollway thoroughfares as indicated on the City's Thoroughfare Plan;
- d. Land that is utilized for major utility easements;
- e. Land for public parks;
- f. Land required for screening of lots backing to thoroughfares;
- g. Cemeteries; or
- h. Other lands determined undevelopable by any other City ordinance, present or future.

For density calculations, the following ratio shall be used:

Zoning	Dwelling Units per Acre
SF-4	3.38
SF-5	4.11

3. *Open space standards.*

- A. Alternative Subdivision Design Developments may incorporate an open space element into the subdivision design. The open space areas shall provide opportunities to preserve the following natural features of the land, ~~such as:~~

1. Bodies of water;
2. Additional Ecological buffers including around creek(s), tributary(ies), wetland(s) and sensitive wildlife habitat(s);
3. Historic, cultural, and archaeological sites;
4. Ridges and topographic features;
5. View sheds and view corridors;
6. Greenways for connecting Green Space areas;
7. Restored prairies, fields, meadows, and riparian habitats;
- ~~8. Newly created open space for social and recreational purposes;~~
8. Existing ~~or newly created~~ agricultural areas such as community gardens, hayfields, orchards, pastures and paddocks, excluding new commercial livestock operations.

- B. Open Space Development Standards

1. Minimum 30% of the net area of the development shall be open space, unless dictated by natural features as defined in Section 11.03 (3)(A).

2. No open space areas shall be less than one-acre in size, except for areas specifically designed as village greens or trail links.
3. Open space areas should be contiguous and with a configuration that does not fragment the open space into remnant parcels which are not usable for activity, and which impede the function of natural systems. Non-contiguous open space areas (i.e. village greens) may be allowed, granted each area is linked by trails, pedestrian paths, or sidewalks.
4. Where applicable, open space areas should be connected to similar facilities off site, such as other open space areas, parks, and trails.
5. Open space areas, village greens and other common areas shall be designated as such on the final plat, and will be permanently protected from further subdivision and development. This shall be stated on the filed plat.
6. Open space shall be evenly distributed within each phase of the development, unless unique site characteristics exist on the property or as otherwise approved in a Developer's Agreement.
7. When fencing is used on Residential lots adjacent to designated open space areas, shall have consistent fencing shall be open fencing such as wrought iron or other ornamental fencing. Chain-link fencing or similar is prohibited. Fence height shall be a maximum of six (6) feet.
8. Residential streets: Whenever possible, streets with "T" intersection should terminate at open space areas to maximize view corridor from the street.
9. Minimum width: The widths of Open Space areas, greenways and buffers should vary. At a minimum the width should be sufficient to accommodate a path, given the existing terrain, the center of which is at least 25-feet from any property line.
10. Orientation of homes to Open Space: Alternative Subdivision Design developments should be designed so that no more than 50% of the perimeter of the open space has lots that back to or side open space.
11. Open space areas should be designed so that all areas are visible from a public/private street(s).
12. The Planning & Zoning Commission and/or City Council may prohibit the creation of any common open space area if it is determined that such area would be a security or safety concern, difficult to maintain, or an unreasonable financial burden to the homeowners association.

C. Specifications for Village Greens and other open space areas.

1. Village Greens must be a minimum of 10,000 square feet.
 2. Village Greens must have a minimum dimension of 50-feet.
 3. Village Greens must be bound by a minimum of three streets.
 4. Adjacent structures must front the Village Green on at least three sides.
 5. Village Greens must have edges defined by trees and street furnishings (i.e. park benches, etc.).
4. *Duplexes.* The Alternative Subdivision Design Procedure may authorize duplexes in the SF-4 and SF-5 zoning districts. Duplexes shall be restricted to interior corner lots with frontage on two residential streets. Each duplex unit would be required to face the alternate street. Duplexes shall count as two units towards the overall density calculations. The maximum number of units

permitted shall be calculated as established in Section 11.03 (2) of this Ordinance.

5. **Townhomes.** The Alternative Subdivision Design Procedure may authorize a limited amount of townhome units within single-family zoning districts. Townhomes shall be developed around or within 1,200-feet of a courtyard, village green, or other open space area as defined in this ordinance. Townhomes shall not exceed 15% of the total units towards the overall density calculations. The maximum number of units permitted shall be calculated as established in Section 11.03 (2) of this Ordinance.
6. **Setbacks.** Front and rear yard setbacks shall be as specified by the Comprehensive Zoning Ordinance or Planned Development. Minimum side yard setbacks for Alternative Subdivision Design lots may be adjusted according to the following criteria, provided that it does not conflict with any development standards outlined in a Planned Development:
 - a. Side yard setbacks for single-story dwelling units and story-and-one-half story dwelling units may be reduced to five (5) feet.
 - b. Two-story dwelling units and greater shall maintain the required seven (7) foot minimum side yard setback.
 - c. At no such time shall the minimum distance between residential structures be less than ten (10) feet.
 - d. Minimum side yard setback on corner lots adjacent to side street shall be fifteen (15) feet.
 - e. Only lots that utilize the reduced lot size are eligible for reduced setbacks. Large lots (as defined in Section 11.05(1)) and lots adjacent to existing residential development must maintain the required setbacks of the base zoning district.
 - f. The above standards do not apply for residential units with shared common walls.
 - g. A note shall be included on the final plat outlining these setback criteria.
7. **Minimum Dwelling Unit Size.** The Alternative Subdivision Design Procedure may also allow a reduced minimum dwelling unit size. Dwelling unit (DU) size may be reduced in accordance with the table below.

Zoning District	Minimum DU Size	Reduced DU Size
SF-4	1,800 sq. ft.	4,000 <u>1,200</u>
SF-5	1,800 sq. ft.	4,000 <u>1,200</u>
TH	1,000 sq. ft.	<u>Same</u>
2F	1,000 sq. ft.	Same

11.04

Density Bonus Options

1. **Large Lot Density Bonus.** Developments that incorporate large lots (20,000 square feet or larger) are eligible for a large lot density bonus. The large lot density bonus shall comply with the following standards:
 - a. Large lots will receive a density bonus of 1:1, not to exceed a 10% increase in total lot yield. Lots will be designated on the final plat as "Large Lots" and will be ineligible for replat for the purposes of subdividing. This shall be stated on the filed plat.

- b. Large lot density bonus shall be distributed within each phase of the development, unless unique site characteristics exist on the property or as otherwise approved in a Developer's Agreement.
- 2. *Density Bonus for additional open space and buffer areas.* Developments that incorporate open space in excess of 30% will be eligible for an open space density bonus. The open space density bonus shall comply with the following standards:
 - a. Additional open space areas will qualify for a density bonus of 1: 1, not to exceed a 5% increase in total lot yield (i.e. providing 33% open space will allow a 3% increase in total lot yield, etc.).
 - b. Open space density bonus shall be distributed within each phase of the development, unless unique site characteristics exist on the property or as otherwise approved in a Developer's Agreement.

11.05 Developer's Agreement Required

A Developer's Agreement would be required for multi-phased developments that do not evenly distribute open space, large lots or other elements throughout each phase of the development. The Developer's Agreement shall be approved by City Council and filed with the applicable County prior to the filing of the final plat for the initial phase of the development.

11.06 Misrepresentation of facts of any kind shall result in revoking of the preliminary plat or and/or final plat.

Council Member West moved to remove this item from the table. Council Member Lafata seconded the motion. Motion carried. Vote: 6-0.

Citizen Jim Perry was present to address the council against this item.

Citizen Kathy Lewis was present to address the council against this item.

There being no one else present to address the Council, Deputy Mayor Pro Tem Reveal motioned to table this item to the June 17th city council meeting. Deputy Mayor Pro-Tem Maso seconded the motion. Motion carried. Vote: 6-0.

16. APPEAL: Public Hearing: Comprehensive Zoning Ordinance Amendment ZA03-0001. A request to amend the Comprehensive Zoning Ordinance regarding Specific Use Permit requirements for Independent School Districts. Applicant(s): City of Frisco (Planning & Development)

Council Member West abstained from discussion regarding the SUP for Independent School Districts due to her employment with the Frisco ISD and the perception of a potential conflict of interest. As a result of the abstention, Council member West vote was recorded as a negative vote, City of Frisco Home Rule Charter, §3.12).

Planning & Zoning Director, John Lettelleir was present to address the council.

RECOMMENDATION NOTES:

The Planning & Zoning Commission denied this request.

Deputy Mayor Pro Tem Reveal moved to open the public hearing. Council Member Lafata seconded the motion. Motion carried. Vote: 4-1.

Frisco Independent School District Representative, Richard Wilkinson, was present to address the council in favor of this item.

Jerry Sanders was present to address the council against this item.

Deputy Mayor Pro-Tem Maso moved to close the public hearing. Deputy Mayor Pro Tem Reveal seconded the motion. Motion carried. Vote: 4-1.

City Attorney, Richard Abernathy cited a similar case regarding the City of Addison. The council's suggestion to FISD was to continue to display proposed signs on upcoming projects to ensure public awareness.

Following discussion, Council Member Lafata moved to approve the amended request. Council Member Nichols seconded the motion. Motion carried. Vote: 4-1.

17. Public Hearing: Zoning Case Z03-0008. A request to amend Planned Development-81-Patio Home, 37.0± acres on the east side of Legacy Drive, 500± feet north of Town and Country to modify development standards relating to setbacks and screening. Neighborhood #34. Applicant(s): Kimley-Horn & Associates. (Planning & Development)

Planning & Zoning Director, John Lettelleir was present to address council on this item.

RECOMMENDATION NOTES:

The Planning & Zoning Commission recommended approval subject to the following changes to the planned development standards. Deletions are ~~struck through~~ and additions are underlined:

EXHIBIT B
PLANNED DEVELOPMENT STANDARDS
Tract B

GENERAL PROVISIONS

1. There will be a ~~thirty (30')~~ twenty (20') foot building setback from the common property line shared between this tract and all lots within the Stonebriar Creek Estates subdivision;
2. ~~A meandering ten foot high stone screening wall will be built within the thirty (30') foot setback detailed in item #1 of the General Provisions~~ A screening wall constructed of pre-cast concrete panels of at least ten (10') feet in height shall be built along the property lines adjacent to Lots 27, 28, and 29 of the existing Stonebriar Creek Estates Subdivision as shown in Exhibit C. The plans for this wall's alignment will be submitted

~~with the preliminary plat and will be designed to preserve the significant mature trees in the area;~~

3. ~~All lots which back to the thirty (30') foot setback detailed in item #1 of this section~~ Single family lots adjacent to Lots 27, 28, & 29 of Stonebriar Creek Estates subdivision will be restricted in height to homes of one story.

Council Member Lafata moved to open the public hearing. Council Member West seconded the motion. Motion carried. Vote: 6-0.

Clint Richardson, Kimley & Horn, representing the applicant, spoke in favor of this item and requested the council's approval.

There being no one else present to address the Council, Deputy Mayor Pro Tem Reveal moved to close the public hearing. Council Member West seconded the motion. Motion carried. Vote: 6-0.

Following discussion, Council Member Allen moved to approve the request subject to:

- 1) a letter of approval written by Lot Owner 27 and 28
- 2) adding the exhibits to the request

Deputy Mayor Pro Tem Reveal seconded the motion. Motion carried. Vote: 6-0.

18. Public Hearing: Zoning Case Z02-0026. A request to rezone 14.7± acres on the east side of Preston Road, 2,590± feet south of U.S. Highway 380 from Agricultural to Office-1. Neighborhood #2. Applicant(s): Tom and Ruth Swing. (Planning & Development)

Planning & Zoning Director, John Lettelleir was present to address the council on this item.

RECOMMENDATION NOTES:

The Planning & Zoning Commission recommended approval as Office-1.

Deputy Mayor Pro Tem Reveal moved to open the public hearing. Council Member West seconded the motion. Motion carried. Vote: 6-0.

Dale Corbin, Century 21 Real Estate Agent for the landowners, was present to speak in favor of this item.

Landowner Ruth Swing was present to address the council. She stated that she would prefer O-2, but due to the financial cost, she would accept O-1.

Bill Thomas, McKinney Businessman, was present to address the council. He would like to see the property develop out at O-2 as well.

There being no one else present to address the Council, Deputy Mayor Pro Tem Reveal moved to close the public hearing. Council Member West seconded the motion. Motion carried. Vote: 6-0.

Following discussion, the landowners were informed that they could request O-2 in the future, if they could make the financial commitment for the rezoning of O-2. Council Member Lafata moved to approve the request. Deputy Mayor Pro-Tem Maso seconded the motion. Motion carried. Vote: 6-0.

19. Public Hearing: Zoning Case Z03-0009. A request to amend Planned Development-87-Townhome located on 21.2+ acres on the northwest corner of Lebanon Road and the Burlington Northern-Santa Fe Railroad to modify the development standards to remove the cap on the maximum number of residential units allowed within Tract 3. Zoned Planned Development-87-Townhome. Neighborhood #39. Applicant(s): C&S Development. (Planning & Development)

Planning & Zoning Director, John Lettelleir was present to address the council. The request is to raise the cap on the maximum number of residential units from 80 lots to 83.

RECOMMENDATION NOTES:

The Planning & Zoning Commission recommended approval subject to:

Amendment of 21.2~~±~~ acres of Tract 3 of Planned Development-87 as follows. (~~Strikethroughs~~ indicate deletions of text and underlines indicate additions of text.

**Exhibit C
PLANNED DEVELOPMENT STANDARDS**

Tract 1: Single Family-5 (SF-5) 52.53 acres

This tract may be developed under the regulations of the Single Family-5 (SF-5) as outlined in the Comprehensive Zoning Ordinance No. 93-07-11 as it currently exists or may be amended.

Tract 2: Single Family-4 (SF-4) 49.15 acres

This tract may be developed under the regulations of the Single Family-4 (SF-4) as outlined in the Comprehensive Zoning Ordinance No. 93-07-11 as it currently exists or may be amended.

Tract 3: Planned Development-Townhome 21.16 acres

This tract may be developed under the regulations of the Townhome (TH) District as outlined in the Comprehensive Zoning Ordinance No. 93-07-11 as it currently exists or may be amended, subject to the following additional conditions:

1. Allowing for a church on 2.9~~±~~ acres as shown on the zoning Exhibit "A".

Development Standards

1. Front Yard 7.5± feet with a five-foot (5') utility easement adjacent to the right-of-way. Front Yard garage set back shall be minimum of twenty-eight feet (28').

2. Side Yard Regulations:

- Zero Side option – Zero (0") inches on one side and ten (10') feet on the opposite side; fifteen (15') feet on corner lots adjacent to side streets abutting the zoning district boundary; ten (10') feet on corner lots adjacent to side streets within zoning district. Minimum five (5) feet for corner lots siding to Ballymena Drive.
- "Center" Option – five (5) feet on all side yards; fifteen (15') feet on corner lots. Minimum five (5) feet for corner lots siding to Ballymena Drive.
- All lots shall have the same side yard set back on a block face. Side yard shall be designated on preliminary and final plat.

Standards for lots with a "Zero Side Yard"

- No roof overhang, gutter or extension from wall will be allowed to extend beyond property line.
- The closest exterior roof line to an adjacent property shall be storm guttered if the general slope of the roof falls toward the adjacent lot.
- A three (3') foot wide access and maintenance easement shall be dedicated on all lots adjacent to lots with a "zero side". Sidewalks, pool decks and patios shall be the only development within the access and maintenance easement. No structures shall encroach in to the four (4') foot access and maintenance easement (including pools, air conditioning units, or accessory buildings).
- Lots that are platted with a zero side will require main buildings and detached garages to be located within the three feet (3') one side lot line. Building walls which are located adjacent to the "zero" side of the lot shall not have any doors, windows, ducts, grill, vents, or other openings. This is intended to prevent exterior wall form forming enclosures for courts, patios, or similar indentations to the "zero" wall.

3. Rear Yard Minimum of five (5) feet; Twenty (20) feet for rear entry garage.

4. All structures shall have a minimum of ten (10') feet of separation

5. Lot Size:

- Minimum Lot Area: Four Thousand (4,000) Square Feet
- Minimum Lot Width: Fifty Five (55') Feet
- Minimum Lot Depth: Sixty (60') Feet

6. Minimum Dwelling Area: - One thousand five hundred (1,500) square feet.

7. Maximum Lot Coverage: - Seventy (70%) percent includes accessory buildings.

8. Maximum of 83 lots platted for dwelling units.

9. Fifteen (15') feet additional right-of-way dedication for landscaping along collector streets where lots back to collector.

Deputy Mayor Pro Tem Reveal moved to open the public hearing. Council Member Allen seconded the motion. Motion carried. Vote: 6-0.

Marty Brown of Dowdy Anderson & Associates was present representing the homebuilders in favor of this item.

There being no one else present to address the Council, Council Member Lafata moved to close the public hearing. Council Member West seconded the motion. Motion carried. Vote: 5-0. Deputy Mayor Pro Tem Reveal stepped away for a moment.

Following discussion, Council Member Lafata moved to approve this item, subject to the addition of "glass blocks are accepted as appropriate building materials". Deputy Mayor Pro Tem Reveal seconded the motion. Motion carried. Vote: 6-0.

20. Public Hearing: Subdivision Amendment SA03-0001. A request to amend Section 7.09 of the Subdivision Regulation Ordinance adding requirements for developments to provide city utilities to serve adjacent properties and provisions for the extension of city utilities with the construction of the thoroughfares. In addition, Section 7.09 will be revised to reflect the current requirements of the Engineering Design Standards and Construction Details. Tabled 2/25/03. Applicant(s): City of Frisco. (Planning & Development)

Planning & Zoning Director, John Lettelleir, was present to address the council.

RECOMMENDATION NOTES:

The Planning & Zoning Commission recommended approval as submitted.

Deputy Mayor Pro Tem Reveal moved to open the public hearing. Council Member Allen seconded the motion. Motion carried. Vote: 6-0.

There being no one else present to address the Council, Council Member Allen moved to close the public hearing. Deputy Mayor Pro Tem Reveal seconded the motion. Motion carried. Vote: 6-0.

Deputy Mayor Pro Tem Reveal moved to approve this item subject to staff comments. Council Member Allen seconded the motion. Motion carried. Vote: 6-0.

21. Public Hearing: Subdivision Amendment SA03-0002. A request to amend Section 9 of the Subdivision Regulation Ordinance regarding a modification to the maintenance period after final acceptance of public improvements by the City. Tabled 2/25/03. Applicant(s): City of Frisco. (Planning & Development)

Planning & Zoning Director, John Lettelleir, was present to address the council.

RECOMMENDATION NOTES:

The Planning & Zoning Commission recommended approval as submitted.

Deputy Mayor Pro Tem Reveal moved to open the public hearing. Council Member Allen seconded the motion. Motion carried. Vote: 6-0.

There being no one else present to address the Council, Deputy Mayor Pro Tem Reveal moved to close the public hearing. Council Member Allen seconded the motion. Motion carried. Vote: 6-0.

Following discussion, Deputy Mayor Pro Tem Reveal moved to approve this item subject to staff comments. Council Member Allen seconded the motion. Motion carried. Vote: 6-0.

22. Public Hearing: Zoning Case Z02-0030. A request to rezone 40.1+ acres at the southeast corner of U.S. Highway 380 and future Legacy Drive from Agricultural to Highway. Neighborhood #53. Tabled 2/25/03 and 3/11/03. Applicant(s): Red Elk Partnership Fund, Ltd. (Planning & Development)

Planning & Zoning Senior Planner, Mike Walker, was present to address the council.

RECOMMENDATION NOTES:

The Planning & Zoning Commission recommended approval of the request as Retail.

Deputy Mayor Pro Tem Reveal moved to open the public hearing. Council Member Allen seconded the motion. Motion carried. Vote: 6-0.

Peter Kavanagh, Land Use Consultants, was present to address the council in favor of this item.

There being no one else present to address the Council, Council Member Lafata moved to close the public hearing. Council Member Allen seconded the motion. Motion carried. Vote: 6-0.

Council Member Allen moved to approve this item. Deputy Mayor Pro Tem Reveal seconded the motion. Motion carried. Vote: 6-0.

23. Public Hearing: Involuntary Annexation Case A03-0007 - First public hearing for citizen input regarding the involuntary annexation of 5.0+ acres on the south side of C.R. 22 (future Eldorado Parkway), 2670+/- feet east of C.R. 114 (future Independence Parkway) in the J. Dillingham Survey, Abstract No. 282, Tract 1. Owned by Richard A. Beaver and Jill Roach. Neighborhood #15. (Planning & Development)

Planning & Zoning Senior Planner, Mike Walker, was present to address the council. He stated that there is no action necessary on this item.

Deputy Mayor Pro Tem Reveal moved to open the public hearing. Council Member West seconded the motion. Motion carried. Vote: 6-0.

There being no one else present to address the Council, Council Member West moved to close the public hearing. Deputy Mayor Pro Tem Reveal seconded the motion. Motion carried. Vote: 6-0.

No action was necessary at this time.

24. Public Hearing: Voluntary Annexation Case A03-0016 - First public hearing for citizen input regarding the voluntary annexation of 361.8+/- acres on the south side of US 380, 2300+/- feet east of Preston Road. (Planning & Development)

Planning & Zoning Senior Planner, Mike Walker, was present to address the council. He stated that there is no action necessary on this item.

Council Member Lafata moved to open the public hearing. Council Member West seconded the motion. Motion carried. Vote: 6-0.

There being no one else present to address the Council, Council Member West moved to close the public hearing. Deputy Mayor Pro Tem Reveal seconded the motion. Motion carried. Vote: 6-0.

No action is necessary at this time.

25. Public Hearing: UA2003-02 Request to abandon a 0.011 acre drainage easement being a part of the Villages of Stonebriar Park, Phase 2, City of Frisco, Collin County, Texas and adoption of Ordinance 03-04-29 approving the same. (Engineering)

City Engineer, Frank Jaromin, was present to address the council.

Deputy Mayor Pro Tem Reveal moved to open the public hearing. Council Member Allen seconded the motion. Motion carried. Vote: 6-0.

There being no one else present to address the Council, Deputy Mayor Pro Tem Reveal moved to close the public hearing. Council Member Allen seconded the motion. Motion carried. Vote: 6-0.

Deputy Mayor Pro Tem Reveal moved to adopt **Ordinance 03-04-29** to abandon 0.011 drainage easement at Villages of Stonebriar Park. Council Member Nichols seconded the motion. Motion carried. Vote: 6-0.

26. Adoption of Resolution 03-04-87R Directing Publication of Notice of Intention to Issue Certificates of Obligation. (Administrative Services)

City Manager, George Purefoy, was present to address the council on the breakdown of the certificates. These projects include the Soccer Complex, the Convention Center, the Public Works Facility, Water/Waster Water System Improvements, Frisco Square Improvements, PID Improvements and Issuance and Underwriter Discounts.

David Medanich, Financial Advisor, and Director of Administrative Services, Nell Lange were present to address the council. The notice procedure is to consider a resolution giving notice of intent to issue the certificates in an amount not to exceed an amount around \$118 million dollars on the 20th of May. Due to the size of the bonds, a firm transaction will come to the council on the 20th of May. The council will then have the option to accept or reject the resolution. This transaction is similar to the Stars Complex. This is one notice of intent, but will cover 2 transactions, one taxable and one will be tax exempt. They will recommend postponing the sale of these bonds if the rates are down at that time. Notice in the paper should take place (14) fourteen days prior to the sale of the bonds.

Deputy Mayor Pro Tem Reveal left the meeting at 11:10 p.m. due to family necessity regarding the weather.

Council Member Allen moved to adopt **Resolution 03-04-87R** directing staff to publish Notice of Intention to Issue Certificates of Obligation. Council Member Lafata seconded the motion. Motion carried. Vote: 5-0.

27. Adoption of ordinance 03-04-30 to amend the Comprehensive Zoning Ordinance regarding standards and regulations for Private Street Developments. Comprehensive Zoning Ordinance Amendment ZA2002-0027. Applicant(s): City of Frisco. Tabled 3/18/03 (Planning & Development)

Planning & Zoning Director, John Lettelleir, was present to address the council.

RECOMMENDATION NOTES:

The Planning & Zoning Commission recommended approval as submitted. Underlines indicate the addition of text; ~~strikethroughs~~ indicate the deletion of text.

Article II, Section 3.03 Schedule of Uses

A	RE	SF-1	SF-2	SF-3	SF-4	SF-5	OT-R	PH	TH	2F	MF-1	MF-2	MH	<p>Section 3.03(A)</p> <p>Primary Residential Uses</p>
Agricultural	Residential Estate	Single-Family 1	Single-Family 2	Single-Family 3	Single-Family 4	Single-Family 5	Original Town Residential	Patio Home	Town Home	Two Family	Multi-Family 1	Multi-Family 2	Mobil Home	
1	1	1	1	1	1	1		1	1	1	1	1	1	Private Street Development

Article II, Section 3.04 Conditional Development Standards

1. Private Street Development:

Private Street Developments are subject to provisions of Ordinance Number 01-04-30, the Thoroughfare and Circulation Design Requirements ordinance, as it exists or may be amended. Private Street Developments are permitted by Specific Use Permit in the referenced districts. Private Street Developments that exist as of the adoption of this ordinance (date to be inserted) and properties that are zoned by a planned development that permits Private Street Developments are excluded from the requirement for a Specific Use Permit. In considering a Specific Use Permit for a Private Street Development, the City shall use the following criteria: Also, requires City Council Approval based on the following criteria:

New Development

- a) Non-disruption of planned public roadways or facilities/projects (thoroughfares, parks, park trails, public pedestrian pathways, etc.)
- b) Non-disruption to and from properties of future developments either on-site or off-site to the proposed subdivision
- c) No negative effect on traffic circulation on public streets
- d) No impairment of access to and from public facilities including schools or parks
- e) Adequate and timely provision of essential municipal services (emergency services, water/sewer improvements or maintenance, etc.)
- f) Existence of natural and/or man-made boundaries around the development (creeks, floodplain, golf courses, parks)
- g) Existence of a concentration of Private Street Developments in the vicinity of the requested Private Street Development

Conversion of existing subdivision to private streets

- a) Criteria would include all the issues and procedures involved with new developments; and
 - b) Petition signed by 100% of the owners in the existing subdivision requesting approval to convert to private streets
 - c) Formation of a property owners' association, if none exists, that would be responsible for owning and maintaining the converted streets and right-of-ways
 - d) Replatting of existing subdivision to reflect changes
- Applicant agreeing to contract with the City for purchase of the converted infrastructure and rights-of-way from the City at fair market appraised value

Following discussion, Council Member Allen moved to approve this item. Council Member Lafata seconded the motion. Motion carried. Vote: 5-0.

28. Acceptance of change order number one in the amount of \$109,144.50 for the Miscellaneous Roadway Repair Project (Bid Number 0209-039). (Engineering)

City Engineer, Frank Jaromin, was present to address the council.

Following discussion, Council Member Lafata moved to approve this item. Council Member Allen seconded the motion. Motion carried. Vote: 5-0.

29. Adoption of Resolution 03-04-88R authorizing the City Manager to execute a Service Agreement by and between the City of Frisco and CoServ for providing electric service to Frisco Square, Phase 2. (City Manager's Office/SY)

Assistant City Manager, Scott Young, was present to address the council. He stated that the existing main source of power in Frisco Square was CoServ and recommended that the city continue with them.

Following discussion, Council Member Allen moved to adopt **Resolution 03-04-88R** to execute a service agreement with CoServ for providing electrical service to Frisco Square, Phase 2, subject to the incorporation of City Attorney, Richard Abernathy's comments/revisions and subject to the approval of the agreement of The Management District. Council Member West seconded the motion. Motion carried. Vote: 5-0.

30. Adoption of Resolution 03-04-89R authorizing the City Manager to execute a Service Agreement by and between the City of Frisco and CoServ for providing natural gas service to Frisco Square, Phase 2. (City Manager's Office/SY)

Assistant City Manager, Scott Young, was present to address the council. He stated that the existing main source of power in Frisco Square was CoServ and recommended that the city continue with them. The City is not a party in this agreement. This agreement is between Five Star, MMD and CoServ.

Following discussion, Council Member Allen moved to adopt **Resolution 03-04-89R** to execute a service agreement with CoServ for providing electrical service to Frisco Square, Phase 2, subject to the incorporation of City Attorney, Richard Abernathy's comments/revisions and subject to the approval of the agreement of The Management District. Council Member West seconded the motion. Motion carried. Vote: 5-0.

31. Governance Agenda:

Deputy Mayor Pro-Tem Maso addressed concerns regarding the placement of signs from Frisco Singles. They have been warned and he stated he would like Sharon Elliott to check into this matter.

Mayor Simpson addressed that the report stated that the number of building permits were low in March, but after conferring with Donnie Mayfield, Building Official, he stated that the permits for this month are going strong.

32. Consider and act upon whether to direct staff to submit a written notice of appeal on behalf of the City Council to the Planning & Development Department, pursuant to Article IV, Section 1.07(C) of the Comprehensive Zoning Ordinance and/or Section 4.05 of the Subdivision Regulation Ordinance, regarding action taken by the Planning & Zoning Commission on any site plan or plat. Any written notice of appeal must be submitted to the Planning & Development Department.

Planning & Zoning Director, John Lettelleir, was present to address the council. He stated that one item was on the discussion table, Lone Star Ranch.

No action was taken at this time.

33. City Council discussion with City Staff concerning any actions required by City Staff as a result of any item on tonight's agenda.

City Attorney, Richard Abernathy will report back regarding how the Charter references Mayor and Council compensation.

Staff and Council will check into various types of methods, organizations or structures to help multi-family residents regarding code enforcement issues in dealing with their landlords.

Council Members need to submit a list of any types of events that they wish to attend (TML, Collin County Days, etc.) for budgetary purposes to the City Secretary, Nan Parker.

City Manager, George Purefoy will continue to track the hockey use of the Star Center and any progress in the decision making so as to not miss the June 18th deadline for scheduling practices for the students.

34. Discussion on Governance Monitoring of present City Council Meeting.

35. Adjourn.

There being no additional business, the meeting was adjourned at 11:50 p.m.

ATTEST:

Nan Parker, City Secretary, TRMC/CMC

E. Michael Simpson, Mayor